

3/31/23

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN DELAHANTY,  
Plaintiff,  
v.  
HOME DEPOT U.S.A., INC.,  
Defendant.

**ORDER**

22 CV 10407 (VB)

Plaintiff commenced the instant action on December 9, 2022. (Doc. #1).

On January 24, 2023, plaintiff docketed an executed waiver of service of the summons as to defendant, sent on December 14, 2022. (Doc. # 6). Accordingly, defendant had until February 13, 2023, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(ii).

On February 1, 2023, defense counsel filed a notice of appearance and a proposed stipulation and order extending defendant's time to respond to the complaint to March 14, 2023. (Docs. ##7, 8). The Court so-ordered the stipulated extension. (Doc. #9). On March 10, 2023, the parties stipulated to a further extension of defendant's time to respond, to March 28, 2023, which was so-ordered by the Court. (Doc. #11).

To date, defendant has not answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendant remains in default, plaintiff is ORDERED to seek a certificate of default by **April 14, 2023**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by **April 28, 2023**. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: March 31, 2023  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge